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6
7 **BEFORE THE**
BOARD OF REGISTERED NURSING
8 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

9
10 In the Matter of the Accusation Against:

Case No. **2010-430**

11 **SARA DOREEN STEWART**
350 Linkmere Lane
Convington, Georgia 30014

A C C U S A T I O N

12 Registered Nurse License No. 649855

13
14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about December 20, 2004, the Board of Registered Nursing issued Registered
22 Nurse License Number 649855 to Sara Doreen Stewart (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on March 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"...

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 9. California Code of Regulations, title 16, section 1442, states:

2 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
3 the standard of care which, under similar circumstances, would have ordinarily been exercised by
4 a competent registered nurse. Such an extreme departure means the repeated failure to provide
5 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
6 situation which the nurse knew, or should have known, could have jeopardized the client's health
7 or life."

8 10. California Code of Regulations, title 16, section 1443.5 states:

9 "A registered nurse shall be considered to be competent when he/she consistently
10 demonstrates the ability to transfer scientific knowledge from social, biological and physical
11 sciences in applying the nursing process, as follows:

12 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
13 and behavior, and through interpretation of information obtained from the client and others,
14 including the health team.

15 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
16 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
17 for disease prevention and restorative measures.

18 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health
19 treatment to the client and family and teaches the client and family how to care for the client's
20 health needs.

21 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the
22 subordinates and on the preparation and capability needed in the tasks to be delegated, and
23 effectively supervises nursing care being given by subordinates.

24 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical
25 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
26 communication with the client and health team members, and modifies the plan as needed.

27 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve
28 health care or to change decisions or activities which are against the interests or wishes of the

client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

FACTUAL BACKGROUND

11. On or about June 5, 2007, Respondent was employed as a registered nurse working on assignment at Eden Medical Center, Castro Valley, California for PS Consultants, a nursing registry. She assumed care of an extremely ill patient who was on multiple medications for support. One of those medications, Levophed was added. With the addition of levophed, the patient's blood pressure continued to be low; however, the patient's blood pressure stabilized at 1200, 1300 and 1400 hours. At 1430 hours the respondent discontinued levophed while it was at its maximum dose without a doctor's order and replaced it with Neo-Syneprine. Per a physician's verbal order, the respondent was requested to titrate (increase) the dose of neo-syneprine. However, the respondent did not immediately titrate the dose of neo-syneprine as requested by the physician, she waited until another staff member was present. The staff member noticed that the respondent was not knowledgeable with the pressors and that she was trying to calculate the increased dosage rate. Thereafter, the patient's blood pressure dropped immediately and although the physician ordered another bag of levophed immediately from the pharmacy, the medication did not arrive in time and the patient went into an asystolic arrest and was pronounced dead by the physician at 1507 hours. The respondent admitted that she did not titrate (decrease) the dose of levophed before she changed the medication. Subsequently, the respondent made a late entry into the patient's chart after the final review by the charge nurse, director of critical care, and physician which shows an order to discontinue the medication levophed.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Gross Negligence)

12. Respondent is subject to disciplinary action under Business and Professions Code section 2761(a)(1) for unprofessional conduct and gross negligence within the meaning of Section 1442 of Title 16 of the California Code of Regulations, in that she did not titrate the levophed down slowly and allowed it to run out when it was infusing at the maximum rate. The circumstances are described above in paragraph 11.

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3. Taking such other and further action as deemed necessary and proper.

DATED: _____

3/16/10

Louise R. Bailey

LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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